

Melanie Sloan, Esq.
Summer Strategies, LLC
660 Pennsylvania Ave., SE
Suite 303
Washington, DC 20003

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VIA FOIAonline

FOIA Officer
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Freedom of Information Act Request re Diesel Vehicle Manufacturers

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.*, and the implementing regulations for the Environmental Protection Agency (EPA), 40 C.F.R. Part 2, I make the following request for records.

Requested Records

I request that you furnish copies of any and all of the following documents within 20 business days:

1. Any analysis on the use of Portable Emissions Measurement Systems ("PEMS") or on-road emissions testing for diesel vehicles.
2. Emissions data from any Model Year 2009 through MY 2017 passenger diesel vehicle or light duty truck diesel vehicle.
3. Documents relating to the EPA Inspector General's investigation of the Office of Transportation and Air Quality for insufficient oversight and review of diesel certification applications.
4. Documents relating to the Inspector General's investigation of state vehicle inspection programs.
5. Any analysis relating to EPA-issued guidance on: (1) service interval requirements for vehicle manufacturers; (2) the definition of "Auxiliary Emissions Control Device"; and (3) the definition of "defeat device".

6. Documents relating to EPA's awareness prior to 2009 of dual dosing in connection with diesel passenger vehicles.

I seek all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms "record," "document," and "information" in their broadest sense to include any written, typed, recorded, graphic, printed or audio material of any kind. This request includes electronic records, audiotapes, videotapes, and photographs as well as any letters, emails, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. This request also includes any attachments to these records.

If it is your position that any portion of the requested records is exempt from disclosure, I request that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1972). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity "to permit a reasoned judgment as to whether the material is actually exempt under FOIA." *Founding Church of Scientology v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979). Moreover, the *Vaughn* index must "describe each document or portion thereof withheld, and for **each** withholding it must discuss the consequences of supplying the sought-after information." *King v. U.S. Dep't of Justice*, 830 F.2d 210, 223-24 (D.C. Cir. 1987) (emphasis added). Further, "the withholding agency must supply 'a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.'" *Id.* at 224 (citing *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977)).

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. *Mead Data Central*, 566 F.2d at 261. Claims of nonsegregability must be made with the same degree of detail as required for claims of exemptions in a *Vaughn* index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

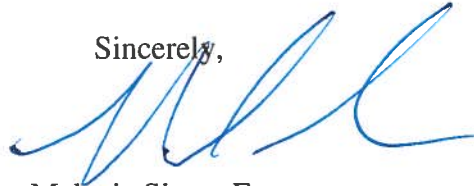
I am aware there may be fees incurred in connection with responding to my request. Pursuant to 47 C.F.R. § 2.107(e), please notify me if you anticipate the cost is likely to exceed \$500 and provide me with an estimate of the fees.

If possible, please provide responsive material in electronic format or via by email at msloan@summerstrategies.com. Otherwise please mail them to me in care of Summer Strategies, 660 Pennsylvania Ave., SE., Suite 303, Washington, DC 20003. If it will accelerate release of responsive records, please provide responsive material on a rolling basis.

Finally, I welcome the opportunity to discuss with you whether and to what extent this request can be narrowed or modified to better enable the EPA to process it within the FOIA's deadlines. I can be reached at 202-365-0606.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to be 'MS', written over the word 'Sincerely,'.

Melanie Sloan, Esq.